

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 453

94TH GENERAL ASSEMBLY

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Reported from the Special Committee on Senior Citizen Advocacy February 1, 2007 with recommendation that House Committee Substitute for House Bill No. 453 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 6, 2007 with recommendation that House Committee Substitute for House Bill No. 453 Do Pass.

Taken up for Perfection February 7, 2007. House Committee Substitute for House Bill No. 453 ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

0914L.02P

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## AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for donations to food pantries.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be  
2 known as section 135.647, to read as follows:

**135.647. 1. As used in this section, "local food pantry" means any food pantry that**  
2 **is:**

3 **(1) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of**  
4 **1986, as amended; and**

5 **(2) Distributing emergency food supplies to low-income people who would**  
6 **otherwise not have access to food supplies in the area in which the taxpayer claiming the**  
7 **tax credit under this section resides.**

8 **2. For all tax years beginning on or after January 1, 2007, any taxpayer who**  
9 **donates cash or food, unless such food is donated after the food's expiration date, to any**  
10 **local food pantry shall be allowed a credit against the tax otherwise due under chapter 143,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, in an  
12 amount equal to fifty percent of the value of the donations made to the extent such amounts  
13 are not included in the taxpayer's itemized deductions. The amount of the tax credit  
14 claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that  
15 the credit is claimed, and shall not exceed two thousand five hundred dollars per taxpayer  
16 claiming the credit. Any amount of credit that the taxpayer is prohibited by this section  
17 from claiming in a tax year shall not be refundable, but may be carried forward to any of  
18 the taxpayer's four subsequent taxable years. No tax credit granted under this section  
19 shall be transferable. No taxpayer shall be eligible to receive a credit pursuant to this  
20 section if such taxpayer employs persons who are not authorized to work in the United  
21 States under federal law.

22       3. The cumulative amount of tax credits under this section which may be allocated  
23 to all taxpayers contributing to a local food pantry in any one fiscal year shall not exceed  
24 two million dollars. The director of revenue shall establish a procedure by which the  
25 cumulative amount of tax credits is apportioned among all taxpayers claiming the credit  
26 by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum  
27 extent possible, the director of revenue shall establish the procedure described in this  
28 subsection in such a manner as to ensure that taxpayers can claim all the tax credits  
29 possible up to the cumulative amount of tax credits available for the fiscal year.

30       4. Any local food pantry may accept or reject any donation of food made under this  
31 section for any reason. For purposes of this section, any donations of food accepted by a  
32 local food pantry shall be valued at fair market value, or at wholesale value if the taxpayer  
33 making the donation of food is a retail grocery store, food broker, wholesaler, or  
34 restaurant.

35       5. The department of revenue shall promulgate rules to implement the provisions  
36 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,  
37 RSMo, that is created under the authority delegated in this section shall become effective  
38 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,  
39 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
40 nonseverable and if any of the powers vested with the general assembly pursuant to  
41 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule  
42 are subsequently held unconstitutional, then the grant of rulemaking authority and any  
43 rule proposed or adopted after August 28, 2007, shall be invalid and void.

44       6. Under section 23.253, RSMo, of the Missouri Sunset Act:

45           (1) The provisions of the new program authorized under this section shall  
46 automatically sunset four years after the effective date of this section unless reauthorized  
47 by an act of the general assembly; and

48           (2) If such program is reauthorized, the program authorized under this section  
49 shall automatically sunset twelve years after the effective date of the reauthorization of this  
50 section; and

51           (3) This section shall terminate on September first of the calendar year immediately  
52 following the calendar year in which the program authorized under this section is sunset.

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